

Senate File 476

S-3219

1 Amend Senate File 476 as follows:

2 1. By striking everything after the enacting clause and
3 inserting:

4 <Section 1. Section 351.25, Code 2023, is amended by
5 striking the section and inserting in lieu thereof the
6 following:

7 **351.25 Dogs as property — right to own dog.**

8 1. A dog shall be deemed property if the dog is any of the
9 following:

10 a. Less than four months of age.

11 b. Owned by a person as evidenced by proof of
12 identification, which may include any of the following:

13 (1) A valid rabies vaccination tag attached to the dog's
14 collar.

15 (2) A tattoo imprinted on the dog's skin that may be
16 visually observed.

17 (3) A device implanted under the dog's skin that stores
18 information in an electronic format.

19 (4) A receipt or contract indicating ownership.

20 (5) A record of an ongoing patient-client relationship with
21 a veterinarian.

22 (6) An otherwise documented history of ownership.

23 2. A county shall not adopt, enforce, or otherwise
24 administer an ordinance, motion, resolution, or amendment
25 that restricts or hinders a person's right to own or keep
26 a dog based on the breed, perceived breed, or physical
27 characteristics of the dog. This subsection does not inhibit
28 the authority of a county to adopt, enforce, or administer an
29 ordinance, motion, resolution, or amendment that applies to all
30 dogs.

31 Sec. 2. Section 351.33, Code 2023, is amended to read as
32 follows:

33 **351.33 Rabies vaccination.**

34 Every owner of a dog shall obtain a rabies vaccination for
35 such animal. It shall be unlawful for any person to own or have

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(amending this SF 476 to CONFORM to HF 651)

1 a dog in the person's possession, ~~six~~ four months of age or
2 over, ~~which~~ that has not been vaccinated against rabies. Dogs
3 kept in kennels and not allowed to run at large shall not be
4 subject to these vaccination requirements.

5 Sec. 3. Section 351.37, subsections 1 and 2, Code 2023, are
6 amended to read as follows:

7 1. A dog shall be apprehended and impounded by a local board
8 of health or law enforcement official or designated agent if
9 the dog is running at large ~~and the dog is not wearing a valid~~
10 ~~rabies vaccination tag or a rabies vaccination certificate is~~
11 ~~not presented to the local board of health or law enforcement~~
12 ~~official.~~

13 2. The local board of health or law enforcement official
14 shall provide written notice to the owner if the local board of
15 health or law enforcement official can reasonably determine the
16 owner's name and current address by accessing a tag or other
17 device that is on or a part of the dog. The notice shall be
18 sent within two days after the dog has been impounded. The
19 notice shall provide that if the owner does not redeem the dog
20 within seven days from the date that the notice is delivered,
21 the dog may be humanely destroyed or otherwise disposed of in
22 accordance with law. For purposes of this section, notice is
23 delivered when the local board of health or law enforcement
24 official mails the notice, which may be by regular mail. An
25 owner may redeem a dog by having it immediately vaccinated,
26 if the dog is overdue for vaccination, and paying the cost of
27 impoundment.

28 Sec. 4. Section 351.45, subsection 1, paragraph b, Code
29 2023, is amended to read as follows:

30 b. The rabies vaccination tag is attached to a collar worn
31 by a dog, including as provided in ~~sections~~ section 351.25 and
32 351.26.

33 Sec. 5. Section 364.3, Code 2023, is amended by adding the
34 following new subsection:

35 NEW SUBSECTION. 18. A city shall not adopt, enforce, or

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(amending this SF 476 to CONFORM to HF 651)

1 otherwise administer an ordinance, motion, resolution, or
2 amendment that restricts or hinders a person's right to own or
3 keep a dog based on the breed, perceived breed, or physical
4 characteristics of the dog. This subsection does not inhibit
5 the authority of a city to adopt, enforce, or administer an
6 ordinance, motion, resolution, or amendment that applies to all
7 dogs.

8 Sec. 6. NEW SECTION. 515.116 Homeowner's and renter's
9 insurance — dangerous or high risk dogs.

10 1. This section shall be known and may be cited as the "*Dog*
11 *Breed Insurance Underwriting Protection Act*".

12 2. As used in this section, unless the context otherwise
13 requires:

14 a. "*Custody*" means to possess, keep, or harbor.

15 b. "*Insurer*" means the same as defined in section 515.115.

16 3. If a homeowner or a renter has custody of a dog
17 classified as dangerous or high risk pursuant to an applicable
18 city ordinance, the homeowner or renter shall have a
19 homeowner's insurance policy or renter's insurance policy in an
20 amount that is equal to or greater than the coverage required
21 by the applicable city ordinance.

22 4. If an insurer deems a policyholder has custody of
23 a dog classified as dangerous or high risk based on sound
24 underwriting and actuarial principles reasonably related to
25 actual or anticipated loss experience, an insurer may do any
26 of the following:

27 a. Refuse to issue or renew the policyholder's or potential
28 policyholder's homeowner's or renter's insurance policy.

29 b. Charge or impose a reasonable premium or rate increase
30 for the policyholder's homeowner's or renter's insurance
31 policy.

32 c. Cancel the policyholder's homeowner's or renter's
33 insurance policy.

34 5. Except as otherwise provided in this section, this
35 section does not limit the rights and obligations of an insurer

1 pursuant to an insurance policy's standards or provisions.

2 6. The commissioner may adopt rules pursuant to chapter 17A
3 to implement and administer this section.

4 Sec. 7. REPEAL. Section 351.29, Code 2023, is repealed.

5 Sec. 8. EFFECTIVE DATE. The section of this Act enacting
6 section 515.116 takes effect one hundred eighty days after
7 enactment.

8 Sec. 9. APPLICABILITY. The section of this Act enacting
9 section 515.116 applies to all homeowner's and renter's
10 insurance policies issued or renewed in the state on or after
11 the effective date of the section of this Act enacting section
12 515.116.>

13 2. Title page, by striking lines 1 and 2 and inserting
14 <An Act relating to the ownership of dogs, making penalties
15 applicable, and including effective date and applicability
16 provisions>

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